

**Kevin R. Martin, SBN 176853**  
**RANDICK O'DEA & TOOLIATOS, LLP**  
5000 Hopyard Road, Suite 400  
Pleasanton, California 94588  
Telephone: (925) 460-3700  
Facsimile: (925) 460-0969  
Email: [kmartin@randicklaw.com](mailto:kmartin@randicklaw.com)

Attorneys for Jamel Enterprises, LLC, Millennium International, Loroco Sales, Inc., James Loro, Melva Loro and Nadine Loro

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

EVERFLOW TECHNOLOGY  
CORPORATION, incorporated under  
the laws of the Republic of China  
(Taiwan),

**Plaintiff,**

**MILLENNIUM ELECTRONICS,  
INC., a California corporation,**

**Defendant.**

Case No.: C07-05795-JF (HRL)

**NOTICE OF MOTION AND MOTION FOR  
ORDER QUASHING SUBPOENA AND FOR  
EXPENSES OF MOTION**

F.R.C.P. 45(c)

Date: September 23, 2008

Time: 10:00 a.m.

Magistrate: Howard R. Lloyd

To Plaintiff EVERFLOW TECHNOLOGY CORPORATION (“EVERFLOW”) and to  
Mark Fang, Esq., its attorney of record:

NOTICE IS HEREBY GIVEN that, on September 23, 2008, at 10:00 a.m., or as soon thereafter as the matter may be heard, in Courtroom 2, 5<sup>th</sup> Floor, of this court located at 280 South 1st Street, San Jose, California, Jamel Enterprises, LLC, Millennium International, Loroco Sales, Inc., James Loro, Melva Loro and Nadine Loro (hereinafter "MOVING PARTIES") will, and hereby do, move for an order quashing the subpoena issued and served on County Bank, Inc. ("COUNTY"), the custodian of records, requiring the production of confidential financial records. MOVING PARTIES will also move for an order requiring Plaintiff EVERETT OW to

pay the MOVING PARTIES reasonable expenses of making the motion, including reasonable attorney's fees.

The motion will be made on the grounds that the subpoena requests documents that are irrelevant and unnecessary to the parties claims or defenses and invades the privacy of the moving parties. *See* Federal Rules of Civil Procedure 45(c).

The motion will be based on this Notice of Motion, on the Declaration of Kevin R. Martin and the Memorandum of Points and Authorities served and filed herewith, on the papers and records on file herein, and on such oral and documentary evidence as may be presented on the hearing of the motion.

Respectfully Submitted,

Date: August 15, 2008

RANDICK O'DEA & TOOLIATOS, LLP